



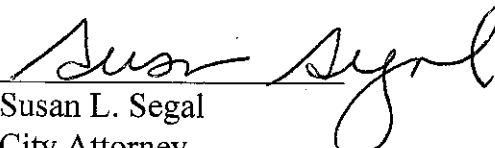
**Request for City Council Committee Action
From the City Attorney's Office**

Date: December 1, 2010
To: Ways & Means/Budget Committee
Subject: Patrick Morin v. City of Minneapolis
Court File No.: N/A

Recommendation: That the City Council approve the settlement of this case by payment of \$9,000.00 payable to Patrick Morin and her attorney, Martin T. Montilino, from Fund/Org. 06900-1500100-145664 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

Prepared by: Thomas J. Miller Phone: (612) 673-2897

Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact:(Check those that apply)

- ☐ No financial impact (If checked, go directly to Background/Supporting Information).
☐ Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
☐ Action requires use of contingency or reserves.
☐ Business Plan: _____ Action is within the plan. _____ Action requires a change to plan._
☒ Other financial impact (Explain): \$9,000.00 from Fund/Org. 06900-1500100-145664
☐ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent claim arise out of a motor vehicle accident that occurred on February 15, 2008. At that time and place, 57 year-old City employee Patrick Morin was operating a City of Minneapolis garbage truck westbound on Lake Street and when he was about to get out of the truck, the truck was struck from behind by tortfeasor William Nieves. Mr. Nieves was clearly at fault for this accident. There was minor damage to the City truck but Mr. Nieves' vehicle was totaled.

As a result of the crash, fifty-seven year-old Patrick Morin sustained significant injuries and incurred in excess of \$18,375.95 in treatment expenses. Mr. Morin was also off work and incurred \$23,860.65 in lost wages.

Mr. Morin has collected the tortfeasor's policy limit of \$30,000.00. As the primary priority for Underinsured Motorist coverage, Minnesota Statutes 65B.49 subd., 3a (5) and Subd. 3a, require that the City of Minneapolis provide the first \$25,000 in Underinsured Motorist benefits.

Following extensive negotiations with his attorney, we have reached a tentative settlement of Mr. Morin's Underinsured Motorist personal injury claim against the City in the amount of \$9,000.00. This proposed settlement has been discussed with the Public Works Department and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 10-20522